

1 IN THE
2 SUPREME COURT OF THE UNITED STATES
3 October Term 1977
4

5 No. 76-1168

6 STATE OF ARIZONA, RICHARD BOYKIN,
7 SHERIFF, PIMA COUNTY, ARIZONA,

8 Petitioner,

9 v.

10 GEORGE WASHINGTON, JR.,

11 Respondent.
12

13 OPPOSITION TO STATE'S PETITION FOR
14 WRIT OF CERTIORARI TO THE
15 UNITED STATES COURT OF APPEALS
16 FOR THE NINTH CIRCUIT
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28 March 17, 1977
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32

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1 OPPOSITION TO STATE'S PETITION FOR
2 WRIT OF CERTIORARI TO THE UNITED STATES
3 COURT OF APPEALS FOR THE NINTH CIRCUIT
4

5 The Respondent, GEORGE WASHINGTON, JR., by and through his at-
6 torneys, BOLDING, OSERAN & ZAVALA, by Ed Bolding, respectfully prays
7 that this Court refrain from exercising its extraordinary discre-
8 tion and thereby deny granting a Writ of Certiorari to review the
9 Judgment and Opinion of the United States Court of Appeals for the
10 Ninth Circuit, entered December 3, 1976, as amended January 20,
11 1977. (A copy of said Opinion is set forth and attached to Peti-
12 tioner's Writ as Appendix A.)

13 OPINION BELOW
14

15 On October 17, 1975, the Honorable James A. Walsh granted
16 WASHINGTON's Petition for Writ of Habeas Corpus. The Ninth Circuit
17 Court of Appeals affirmed Judge Walsh's Order on December 3, 1976,
18 as amended January 20, 1977.
19

20 QUESTION PRESENTED FOR REVIEW
21

22 Whether the double jeopardy clause bars the third reprosecu-
23 tion of Respondent, since the trial judge's granting of Petitioner's
24 Motion for Mistrial was without Respondent's consent and moreover,
25 the findings and particular record of the trial court, in granting
26 the mistrial, did not satisfy the tests of United States v. Perez,
27 22 U. S. 470 (1824), and its progeny.
28
29
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32

1 STATEMENT OF THE CASE
2

3 Petitioner, in the Statement of the Case, has revealed only
4 some of the pertinent facts at bar, but has misstated and omitted
5 the most significant portions. This Statement will attempt to fill
6 the void, though Petitioner's general overview is fairly accurate.
7

8 For example, Petitioner acknowledges that a new trial was
9 granted after the first trial, but fails to apprise the Court of the
10 significant findings by the Supreme Court of Arizona that reflect a
11 hiding of evidence and misconduct on the part of the trial prosecu-
12 tors. In addition, Petitioner refers to the prosecutor's Voir Dire
13 of the second trial jury, wherein he referred to "two prior proceed-
14 ings." Petitioner does not advise the Court of defense counsel's
15 Voir Dire of the same prospective jurors in which the "prior pro-
16 ceedings" were explained as including a prior jury trial, all with-
17 out objection by Petitioner.

18 More importantly, Petitioner refrains from advising the Court
19 that during Voir Dire the prosecutor at GEORGE WASHINGTON, JR.'s,
20 second trial, consented, acquiesced, and agreed, that probable is-
21 sues would include the hiding of evidence and the misconduct or
22 wrongdoing on the part of Petitioner. Additionally, Petitioner
23 fails to disclose that the prosecutor in the second trial requested
24 and was afforded an opportunity to Voir Dire the jurors regarding
25 whether "evidence was hidden from George," whether the "State failed
26 to produce some evidence," whether "the State did something wrong
27 before," and whether jurors knew the reason "that the Motion for
28 New Trial was granted." (Transcript, p. 35, 36, attached hereto as
29 Appendix A.)

30 A reading of the entire transcript demonstrates that the pro-
31 secutor and the trial judge concurred that the hiding of evidence
32 and wrongdoing on the part of the State were prospective issues.
Consequently, the above-cited Voir Dire was conducted to ascertain

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whether any juror would be prejudiced and thus unable to serve if those issues were raised. (Transcript, p. 35, 36, 37, attached hereto as Appendix A.) Discussion among the prosecutor, defense counsel, and the trial court again reflected that the prosecutor understood that "hidden evidence" would probably be an issue.

(Transcript, p. 53, 54, 55, attached hereto as Appendix B.)

Notwithstanding the foregoing agreement and Voir Dire conducted by both the court and respective counsel, and a continuation of the conduct in the prosecutor's Opening Statement, the prosecutor moved for a mistrial based upon use by defense counsel of virtually the exact words and issues described above. The court properly denied the Motion. The trial began, testimony of two witnesses was taken, and after the trial judge had warned the prosecutor about the pitfalls of an erroneous mistrial declaration and of the fact that the prosecutor had failed to object to any issues or statements made by defense counsel, the prosecutor's Motion for Mistrial was granted.

On page 11 of its Petition for Writ of Certiorari, Petitioner attempts to summarize the Opinion of the Ninth Circuit Court of Appeals, but misconstrues that court's ruling - implying that its basis is grounded in the trial court's failure to set forth "specific findings." To the contrary, the Ninth Circuit Court of Appeals ruled in pertinent part, as follows:

. . . We decline to imply from this impropriety that the jury was prevented from arriving at a fair and impartial verdict. If this was the case, the trial judge should have so found. He, at no time, however, indicates the reason(s) why he granted the mistrial. Furthermore, his short Order, quoted supra, is not susceptible to any inference that will fill this void. In the absence of any finding by the trial court, or any indication that the Court considered the efficacy of alternatives such as an appropriate cautionary instruction to the jury, we must conclude that neither of the tests of Perez ("manifest necessity" or "ends of public justice") has been met. We do not hold that these words are talismanic; we hold only that this particular record fails to reveal a "scrupulous exercise of judicial discretion," and that more consideration should have been given to Appellee's "valued right to have his trial completed by a particular tribunal." (Emphasis added.) State v. Washington, No. 75-3634, filed December 3, 1976, as amended January 20, 1977, p. 5. (A copy of said Opinion is set forth and attached to Petitioner's Writ as Appendix A.)

REASONS FOR DENYING THE WRIT

Petitioner's Questions Presented for Review and its reasons articulated for granting the Writ, were fully considered and properly rejected by both courts below. Petitioner asserts that the Opinion and Judgment of the Ninth Circuit Court of Appeals are in direct conflict with the Court's previous decisions and those of other United States Courts of Appeal. However, a reading of said Opinion and Judgment, accompanied by Petitioner's Questions Presented for Review reveals that said Opinion and Judgment are in harmony with those of other Courts of Appeal, in addition to the Court's decisions, and therefore, a review by the Court is not warranted. Equally significant is the fact that both decisions below, those of the United States District Court and the Ninth Circuit Court of Appeals, were proper and correct and were rendered after scrutinizing the entire record of the trial court.

Petitioner relies principally on four cases as evidencing the Ninth Circuit Court of Appeals' departure from the Court's previous Opinions and those of other Courts of Appeal. As set forth more fully below, those cases are manifestly distinguishable from the case at bench, concerning their facts, application of law to facts, and alternatives facing the trial judge.

First, Petitioner argues that the Judgment below was contrary to the tests mandated by the Court. In that regard, the State of Arizona (hereinafter referred to as State) maintains that the holding of the Ninth Circuit Court of Appeals was improper because the trial judge's Order failed to specifically state the basis for his granting the State's Motion for Mistrial. To the contrary, the court held:

We do not hold that these words are talismanic; We hold only that this particular record fails to reveal a "scrupulous exercise of judicial discretion" and that more consideration should have been given to Appellee's "valued right to

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1 have his trial completed by a particular tri-
2 bunal." State v. Washington, No. 75-3634,
3 filed December 3, 1976, as amended January 20,
4 1977, at page 5.

5 Petitioner contends that the court below misapplied the mis-
6 trial test as enunciated in Illinois v. Somerville, 410 U. S. 458
7 (1973). The State posits that the Somerville court emphasized that
8 rigid mechanical rules regarding mistrials would not be followed,
9 but rather a general approach premised on reasonable State policy
10 was appropriate. However, a reading of Somerville reveals that it
11 bears little resemblance to the case at bench. In Somerville, be-
12 cause of the nature of the defects in the indictment, it was impos-
13 sible to amend same under Illinois law. Since the trial court was
14 faced with virtually no alternative but to declare a mistrial, the
15 court did so and held, in pertinent part, as follows:

16 . . . Where the declaration of a mistrial imple-
17 ments a reasonable State policy and aborts a pro-
18 ceeding that, at best, would have produced a ver-
19 dict that could have been upset at will by one of
20 the parties, the Defendant's interest in proceed-
21 ing to verdict is outweighed by the compelling and
22 equally legitimate demand for public justice. Ill-
23 inois v. Somerville, supra, at 471.

24 As set forth above, the case at bar concerns a wholly dissimilar set
25 of facts and, moreover, no alternatives were foreclosed to the trial
26 court necessitating the mistrial declaration.

27 Petitioner further believes that implicit in the trial judge's
28 declaration of mistrial was a "finding" that the jury could not
29 reach an impartial verdict and therefore the judgment below is in
30 conflict with Somerville. Petitioner fails to grasp the signifi-
31 cance of the facts at bench and the nature and scope of Somerville
32 and the judgment below.

He (the trial judge) at no time, however, indi-
cates the reason(s) why he granted the mistrial.
Furthermore, his short Order, quoted supra, is
not susceptible to any inference that will fill
this void. In the absence of any finding by the
trial court, or any indication that the Court
considered the efficacy of alternatives, such as
an appropriate cautionary instruction to the jury,
we must conclude that neither of the tests of Per-

1 ez ("manifest necessity" or "ends of public jus-
2 tice") has been met. State v. Washington, supra.

3 Next, Petitioner contends that the trial court obviously de-
4 cided that an impartial verdict could not be reached and also that
5 a cautionary instruction to the jury could not cure the prejudice
6 and therefore declared a mistrial. Thus, the State asserts that the
7 trial judge properly exercised his discretion within the mandates
8 of Somerville and Perez. Plainly, Petitioner misses the import of
9 Somerville and Perez, and how their holdings harmonize with the
10 judgment below.

11 In addition, Petitioner alleges that defense counsel intention-
12 ally engaged in conduct calculated to necessitate a mistrial, and
13 as such, WASHINGTON should be estopped from raising double jeopardy
14 as a bar to further prosecution. The State analogizes defense coun-
15 sel's conduct to that exhibited by his counterpart in United States
16 v. Dinitz, _____ U.S. _____, 47 L. Ed. 2d 267 (1976). These
17 contentions are outrageous since they defy logic, the trial record,
18 and were not even raised before the United States District Court
19 for the District of Arizona. As the record so aptly demonstrates,
20 defense counsel's statement concerning "prior proceedings" was made
21 subsequent to respective counsels' agreement to address that issue
22 in Voir Dire in order to determine whether any prospective jurors
23 would be prejudiced by same - since it was to be a probable issue
24 during the trial.

25 More importantly, however, Petitioner's analysis of Dinitz is
26 faulty in that there the trial court and the parties considered all
27 alternatives to declaring a mistrial and thereafter, Defendant
28 moved for a mistrial which was granted. In view of the circum-
29 stances in Dinitz, the Court stated that the Perez tests were in-
30 apposite where a mistrial had been declared at the Defendant's re-
31 quest. In holding that a retrial was not barred, the Court held
32 that the record before it failed to reveal that the trial court's

1 action was motivated by bad faith or undertaken to harass or preju-
2 dice the Defendant. Significantly, here, the State seeks redress
3 for matters addressed in Voir Dire to which Petitioner consented.
4 There can be no legal dispute that the facts at bar are plainly dif-
5 ferent from those before the Dinitz court, and the judgment below
6 does not conflict with that in Dinitz.

7 Petitioner finally asserts that the court below did not look
8 to the record and circumstances surrounding the instant case. It
9 is abundantly clear that examination of the particular trial record
10 herein convinced both the United States District Court for the Dis-
11 trict of Arizona and the Ninth Circuit Court of Appeals that there
12 had been no scrupulous exercise of judicial discretion, nor had suf-
13 ficient consideration been given to WASHINGTON's valued right to go
14 to this particular jury and perhaps end the dispute with an acquit-
15 tal, which he was entitled to do. United States v. Dinitz, supra;
16 United States v. Jorn, 400 U. S. 470. Similarly, Petitioner's con-
17 tention is disposed of in the holding of the Ninth Circuit Court of
18 Appeals.

19 Second, the decision below does not conflict with those of
20 other Courts of Appeal. The State believes that United States v.
21 Potash, 118 F. 2d 54 (2nd Cir., 1941), establishes the Circuit
22 Courts of Appeal's view of the double jeopardy provisions of the
23 United States Constitution. Ostensibly, it cites Potash for the
24 proposition that where a mistrial is granted when eleven jurors re-
25 turn to the courtroom during their deliberations, but said is not
26 entered on the record, the appellate court can infer from the rec-
27 ord the reason for the mistrial declaration. Thus, the State seeks
28 to analogize that situation to the one at bench - that the inference
29 as to why the jury was discharged is obvious from the record. Res-
30 pondent respectfully directs this Court's attention to the Opinion
31 and Judgment of the Ninth Circuit Court of Appeals, as set forth
32 above. See also, United States v. Jorn, supra.

1 In addition, Petitioner suggests that the judgment below is
2 contrary to that of the Fourth Circuit as propounded in Whitfield
3 v. Warden of Maryland House of Corrections, 486 F. 2d 1118 (4th Cir.
4 1973). Whitfield is also factually distinct from the case at bar.
5 There, the court was concerned that one of the jurors had entered
6 the courtroom and had overheard remarks of counsel during Motions
7 for Judgments of Acquittal. Both defense counsel could not agree
8 as to what the trial court should do to cure any purported prejudice.
9 The court there was left with little alternative but to declare a
10 mistrial. Significantly, the Fourth Circuit indicated that interro-
11 gation of the juror would have been proper under those circumstances.
12 Thus, Whitfield is not contrary to the judgment below, but merely
13 exemplifies a different decision reached under different circumstan-
14 ces, but by application of the same legal precepts.

15 Furthermore, the State asserts that the judgment below is in
16 conflict with the Fifth Circuit Opinion in Smith v. Mississippi,
17 478 F.2d 88 (5th Cir., 1973). Smith differs from the case at bench
18 in that there the trial court:

19 . . . made a sincere effort to determine whe-
20 ther "the ends of public justice," Perez, su-
21 pra, would be better obtained by declaring a
22 mistrial and beginning anew. He (the trial
23 judge) was sensitive to the opposing require-
24 ments on his discretion. * * * What is of
25 controlling importance is that the State
26 trial judge first painstakingly weighed all
27 the factors present and thereupon exercised
28 the discretion invested in him. His declara-
29 tion of mistrial was not unreasonable. Smith
30 v. Mississippi, supra, at 96.

31 Thus, Smith is distinguishable from Washington in that the Smith
32 court engaged in a meticulous and scrupulous exercise of its dis-
cretion which is not the case presently before the Court.

33 In Washington, we have the State seeking redress after the
prosecutor agreed and consented to the precise notions which defense
counsel articulated in his Voir Dire and Opening Statement. The
judgments below were correct and proper and do not warrant the

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Court's granting the State a Writ of Certiorari. What is self-evident from all the foregoing is that the purported distinctions suggested by Petitioner are, in truth and in fact, various results reached under differing circumstances, but arrived at by application of Perez and its progeny, and as such, compel the Court to deny granting the State's Petition.

Respectfully submitted this 17th day of March, 1977.

BOLDING, OSERAN & ZAVALA

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IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1977

No. 76-1168

STATE OF ARIZONA, RICHARD BOYKIN,
SHERIFF, PIMA COUNTY, ARIZONA

Petitioner,

v.

GEORGE WASHINGTON, JR.,

Respondent.

APPENDIX

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March 17, 1977

1 excused at this time. Remain outside the court-
2 room, please.

3 I don't really know, this examination at this
4 point is necessary. I will hear counsel on it.
5 I think everything has been brought out, pretty
6 much made known to the jurors.

7 MR. BOLDING: I do not see the necessity,
8 your Honor.

9 THE COURT: I was a little concerned with
10 the poisoning of the panel, that someone might
11 blurt out—Mr. Butler?

12 MR. BUTLER: My only concern, Judge, would
13 be, and it really depends on what Mr. Bolding
14 intends to do, and that is as he has said in his
15 voir dire, that the evidence was hidden from George,
16 that will come out, if any of these individuals
17 know that the motion for a new trial was granted
18 because the State failed to produce some evidence,
19 if that fact would cause them to feel at this time,
20 or that they would have some prejudice against the
21 position of the State because of that, and I think
22 if they had such a feeling, if they have such
23 knowledge, that we should examine whether or not
24 that would cause them to be prejudiced.

25 THE COURT: All right.

26 MR. BUTLER: And frankly, Judge, because

1 it's been opened up to everybody, it almost seems
2 to me that it might be better to ask the entire
3 panel about that. Now, I don't know if Mr. Bolding
4 is prepared to take the tack, that the State did
5 something wrong before and because he did, the
6 State did something wrong before, you should let
7 this man off now. I don't know if he's prepared
8 to argue that way or not. I got the impression
9 that he might be and if there's any attitude like
10 that, I think I should be able to determine that,
11 and I almost think there may be a necessity to ask
12 all of the people that question because I think
13 he opened an awfully wide door.

14 THE COURT: Well, I think we're getting
15 ahead of ourselves as to whether or not anything
16 is going to be admissible.

17 MR. BOLDING: I don't care.

18 THE COURT: The extent of the admissibility,
19 and I think you're waving a red flag by doing that.
20 I think with the extensive voir dire examination
21 by each of you, I just don't see how you could
22 conceive that you're going to get any response from
23 this jury panel to the contrary.

24 MR. BOLDING: Bates, your Honor—I don't
25 know, I'm not going to say he doesn't have the
26 right to inquire about that kind of situation.

1 I'm not going to say that he does but I don't know,
2 in good conscience, that I can say that he doesn't
3 have the right to inquire as to whether they might,
4 you know, have some bad feelings toward the County
5 Attorney's office because of that situation. I just,
6 I don't know. I really hadn't considered it from
7 that standpoint.

8 THE COURT: If you assert your desire to
9 ask that question, you absolutely want to, I guess
10 you're entitled to do it.

11 MR. BUTLER: I'd like, Judge, to ask the
12 individuals that indicated a knowledge of the case,
13 if they know why it was retried.

14 THE COURT: All right, let's call—

15 MR. BUTLER: To see what their knowledge
16 has been.

17 THE COURT: Been to the extent of the jurors
18 who have indicated.

19 MR. BUTLER: Right, I think we can just
20 ask them what they know and then that other question.

21 THE COURT: I believe the next one was Mr.
22 Edmanson.

23 MR. BUTLER: Leonard Porter, Judge.

24 THE COURT: Beg your pardon?

25 MR. BUTLER: Leonard Porter.

26 THE COURT: Did Mrs. Flores indicate prior

3 THE COURT: Thank you, Mr. Curry. I'll
4 just excuse you for the time being, if you wait
5 outside the courtroom.

6 MR. CURRY: Thank you.

7 THE COURT: Thank you, very much sir.
8 Thirty-four prospective jurors in the box I
9 believe at this point.

10 I would propose that you just go ahead and
11 begin with your challenges, making your challenges.
12 Am I forgetting something?

13 MR. BOLDING: Well, the only thing I've
14 gotten concerned about, Bates's statement a minute
15 ago as to whether he might have, as to whether we
16 ought to go into the—I didn't ask whether any of
17 them knew the reason for a new trial. I know I
18 didn't do that and, you know, somebody may have
19 a misapprehension about that.

20 THE COURT: That was his request and I
21 think his election was he would examine, only those
22 jurors who were called in.

23 MR. BOLDING: I didn't know he waived that,
24 the right to go back in against the rest of them.
25 Well, that's fine.

26 THE COURT: Are you making that request,

3 THE COURT: All right, do you see any
4 reason for calling them all back in, excusing
5 them.
6 MR. BUTLER: No.
7 THE COURT: The Bailiff may tell the jurors
8 that we'll be at recess for another twenty minutes
9 or so, can go get a cup of coffee. Is that
10 agreeable?
11 MR. BOLDING: Or thirty.
12 THE COURT: Thirty, yes, I appreciate that.
13 MR. BUTLER: I have one question, Judge.
14 In our selection, I know that Mr. Bolding said I
15 get my shot at ten and he gets his shot at ten.
16 What I'm wondering is if I might not examine the
17 panel and make those strikes that I feel compelled
18 to make at this time and if I don't make ten
19 strikes, if I might make those strikes I have
20 left over after Mr. Bolding makes his, and if he
21 hasn't finished, then he can come back and do it
22 again but I—
23 THE COURT: That's contrary to the rules,
24 isn't it? Don't the rules require the prosecutor
25 to make all his strikes before the—
26 MR. BOLDING: The simple answer is yes,

3 MR. BUTLER: All right.
4 THE COURT: I think if you don't take all
5 your strikes, at least under the new rule, then
6 the first, goes down to the bottom of the list and
7 strikes them and the first fourteen remaining are
8 the jury panel.
9 MR. BUTLER: Right, that's my—I have one
10 other thing we can do after we pick the jury.
11 It's a legal matter and it's about Mr. Bolding's
12 statement about introducing evidence that was
13 hidden the last time around and what concerns me
14 is my—I may, if Mr. Bolding gets into that, I may
15 call Mr. Bolding as a witness. This is a con-
16 cern of our office that we expressed when Mr.
17 Bolding was reappointed in this case and I
18 obviously don't know what he's going to do about
19 hidden evidence but if he brings on an individual
20 named Hanrahan on the stand or if he starts talk-
21 ing about Mr. Hanrahan, I will call Mr. Bolding
22 as a witness.
23 THE COURT: I wouldn't imagine we'll get,
24 if we handle the opening statements this afternoon,
25 that will probably be as far as we get.
26 MR. BOLDING: I don't see how we can get

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NOTICE OF APPEARANCE

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March 17, 1977

No. 76-1168

State of Arizona, Richard Boykin,
Sheriff, Pima County, Arizona, vs. George Washington, Jr.,
(Petitioner ~~XXXXXXXX~~) (Respondent ~~XXXXXXXX~~)

The Clerk will enter my appearance as Counsel for Respondent George Washington,
Jr.,
(Please list names of all parties represented)

who IN THIS COURT is ☐ Petitioner(s) ☒ Respondent(s) ☐ Amicus Curiae
☐ Appellant(s) ☐ Appellee(s)

I certify that I am a member of the Bar of the Supreme Court of the United States:

Signature

Edward P. Bolding (Ed Bolding)

(Type or print) Name

Edward P. Bolding (Ed Bolding)

Firm

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NOTE: When more than one attorney represents a single party or group of parties, counsel should designate a particular individual to whom notification is to be sent, with the understanding that if other counsel should be informed he will perform that function. The person to be notified in this case is:

(Type or print) Name

Ed Bolding

Firm

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Zip 85702

IT IS IMPORTANT THAT ALL REQUESTED INFORMATION BE PROVIDED

CO-73

State of Arizona, Richard J. Boykin

~~XXXXX~~ Petitioner

vs.

No. 76-1168

George Washington, Jr.

~~XXXXX~~ Respondent

To Ed Bolding, Counsel for ~~Respondent~~ Respondent:

YOU ARE HEREBY NOTIFIED that ~~xxxxxxx~~ a petition for a writ of certiorari—in the above-entitled and numbered case was docketed in the Supreme Court of the United States on the 23rd day of February, 1977.

At the request of the Clerk of the Supreme Court, we are sending attached hereto an appearance form to be filed by you, or other counsel who will represent your party, with the Clerk at or before the time you file your response to our petition or jurisdictional statement.

John R. McDonald

Counsel for ~~XXXXXX~~ Petitioner

c/o Pima County Attorney's Office
111 West Congress

Number and Street

Tucson, Arizona 85701

City, State and Zip Code

NOTE: Please indicate whether the case is an appeal or a petition for certiorari by crossing out the inapplicable terms. A copy of this notice should not be filed in the Supreme Court.

CO-75

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March 17, 1977

PROOF OF SERVICE

STATE OF ARIZONA)
) SS:
COUNTY OF PIMA)

I, ED BOLDING, attorney of record for GEORGE WASHINGTON, JR., Respondent, depose and say that on the 17th day of March, 1977, I served a copy of the foregoing Opposition to State's Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit on John R. McDonald, Special Deputy Pima County Attorney, Ninth Floor, Pima County Courthouse, Tucson, Arizona 85701, attorney for Petitioner, by depositing the same in a United States Post Office mail box with postage prepaid, addressed to him at the above-mentioned address.


Ed Bolding

SUBSCRIBED AND SWORN to before me this 17th day of March, 1977, by Ed Bolding.


Notary Public

My commission expires:

Jan. 28, 1979

L.A. OFFICES
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